

Attachment 1
Approved Right-of-way Stipulation
September 2005

The following stipulation is approved for use in right-of-way grants throughout Wyoming:

Authorized construction, routine maintenance, or surface disturbance is not allowed during the period from _____ to _____ for the protection of _____.

The approved stipulation should be used for rights-of-way issued under 43 CFR 2800 and 43 CFR 2880 whenever required under existing land use plans and by site specific NEPA analysis. If the stipulation isn't needed, don't include it in the right-of-way grant. This stipulation is written broad enough so that it can be used for a variety of different uses as well as for wildlife timing restrictions.

To use the approved stipulation, Field Offices need to insert the appropriate timing restrictions for their area. We recognize there are elevation and habitat differences throughout Wyoming, and there are differences in the age of existing Wyoming land use plans. Consequently, it is possible that different offices may have already established slightly different timing restriction dates based on regional differences and on the different ages of various Wyoming land use plans. While some small regional differences in timing restrictions dates may be expected, we do believe that BLM should be as consistent as possible between field offices for the various timing restriction dates used in right-of-way grants. The following list of dates has been developed over time, and the dates are based on various source documents including biological assessments, statewide policies, etc. The following protective dates are recommended for use in right-of-way stipulations:

- November 15 to April 30 for the protection of delineated crucial big game winter habitat
- May 1 to June 30 for the protection of delineated big game birthing areas.
- February 1 to August 31 for the protection of raptor nesting habitat in accordance with current U. S. Fish and Wildlife Service sensitive raptor protection guidelines.
- February 1 to August 15 for the protection of bald eagle nesting habitat.
- Between the hours of 8:00 p.m. and 8:00 a.m. from March 1 to May 15 for the protection of prairie-grouse breeding grounds.
- March 15 to July 15 for the protection of sage-grouse nesting and early brood rearing habitat
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- November 15 to March 14 for the protection of delineated sage-grouse winter concentration areas.